

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23218 of 2021

Arising Out of PS. Case No.-287 Year-2020 Thana- SAHPUR District- Patna

Manish Kumar @ Bithla, Son of Lal Babu Paswan, R/o Mainpura, Dariyapur,
P.S.- Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Ram Niwas Prasad, Advocate
For the State	:	Mr. R.P. Nat, APP
For the Informant	:	Mr. Phulen Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-10-2021 Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State as well as learned counsel appearing on behalf of the informant.

The petitioner seeks bail in Shahpur P.S. Case No.287 of 2020, registered for the offences punishable under Sections 302/34 of the Indian Penal Code as well as under Section 27 of the Arms Act.

The informant alleged that on 01.08.2020, his father went to Shiwala More and was taking Bhuja at a shop. All of a sudden some unknown persons shot him and fled away. The informant admitted his father in the hospital, but he was declared dead.

Learned counsel for the petitioner submits that the



petitioner is not named in the FIR. It is further submitted that the petitioner is innocent and has falsely been implicated in the present case. Name of the petitioner surfaced in the case on the basis of confessional statement of co-accused, Monu Kumar. It is also submitted that no specific allegation is made against the petitioner. It is lastly submitted that the petitioner is in custody since 22.09.2020 and he has got one criminal antecedent as stated in paragraph 3 of the bail petition.

Learned counsel for the State as well as learned counsel appearing on behalf of the informant opposed the prayer for bail of the petitioner and submitted that the petitioner is the main culprit and he has killed the deceased.

Considering the fact that no specific allegation is alleged against the petitioner, let petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Danapur, District-Patna in connection with Shahpur P.S. Case No.287 of 2020, subject to the conditions:

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to



inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates, his bail bonds shall be liable to the cancelled.

(iii) That the petitioner will mark his attendance in the local police station in the first week of every month till conclusion of the trial, failing which the prosecution will be at liberty to move for cancellation of his bail bond.

(iv) That the bailors shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J.)

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